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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,245	08/26/2005	Oliver Price	C2028-7000US	8570
37462 7590 02/20/2009 LOWRIE, LANDO & ANASTASI, LLP ONE MAIN STREET, SUITE 1100 CAMBRIDGE, MA 02142				
EXAMINER MARSH, STEVEN M				
ART UNIT 3632		PAPER NUMBER		
NOTIFICATION DATE 02/20/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ll-a.com
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Office Action Summary

Application No.

10/521,245

Applicant(s)

PRICE ET AL.

Examiner

STEVEN M. MARSH

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the third office action for U.S. Application 10/521,245 for a Support for Electrical Display Device filed on August 26, 2005. Claims 1-10 and 12-20 are pending. Claims 1-9 and 18-20 are withdrawn.

Claim Rejections - 35 USC § 112

Claims 10 and 12-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims the spherical bearing (20) as being "immovably mounted on one support member". However, the bearing can be moved within the seat (26), so while it may be immovable relative to the support member (3), it is movable. The claims are being examined to the best extent possible.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 12-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,863,252 to Bosson. Bosson discloses a support for an

electrical display device with a pair of support members (80 and 2B1, 2B2) connected by a universal joint comprising a part spherical bearing (70, 82, 83... if the sides are rounded it will be spherical) immovably mounted on one support member. The bearing is received within a bearing seat (61) pivotally mounted to the other support member to enable relative movement between the bearing and the bearing seat in any direction (like Applicant's, the fasteners can be arranged to move the bearing in any direction), and between the bearing seat and the other support member about a pivot axis. The bearing seat comprises a looped element that supports and partially encircles the bearing and the ends of the looped element are pivotally mounted to the other support member. There are corresponding apertures formed in the ends of the looped element and the other support member to receive a fastening member (6) to pivotally attach the looped element to the other support member so that a compressive force is exerted by the looped element on the bearing, and there is a resilient material layer (9, 41) disposed between at least one end of the looped element and the other support member to enable the compressive force by tightening or loosening the fastening member. One support member is a support arm (2B1, 2B2) and the other is a support plate (80) to receive and mount a display device. The bearing is immovably mounted to the support plate and the bearing seat is pivotally mounted to the support arm to enable rotation of the bearing seat about the pivot axis. The support plate includes a mounting surface for the display device.

Allowable Subject Matter

Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed November 24, 2008 have been fully considered but they are not persuasive. In response to Applicant's request for reconsideration of the finality of the election of species requirement, the species do not appear to be obvious variants of one another, and as mentioned in the previous action, would require further search and consideration. In response to Applicant's argument that the bearing is not of a part spherical shape, a part spherical shape given its broadest meaning means that the shape has a portion of a spherical shape. The bearing taught by Bosson could be made into a spherical shape by rounding the edges, and therefore has a "part spherical shape". In response to Applicant's arguments as to the bearing and its relation to the bearing seat, the rejection has been modified in view of Applicant's amendment as discussed above in the 102 rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. The Examiner's SPE, J. Allen Shriver, can be reached at (571) 272-6698. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/S. M. M./

Examiner, Art Unit 3632

February 13, 2009

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/J. ALLEN SHRIVER II/

Supervisory Patent Examiner, Art Unit 3632